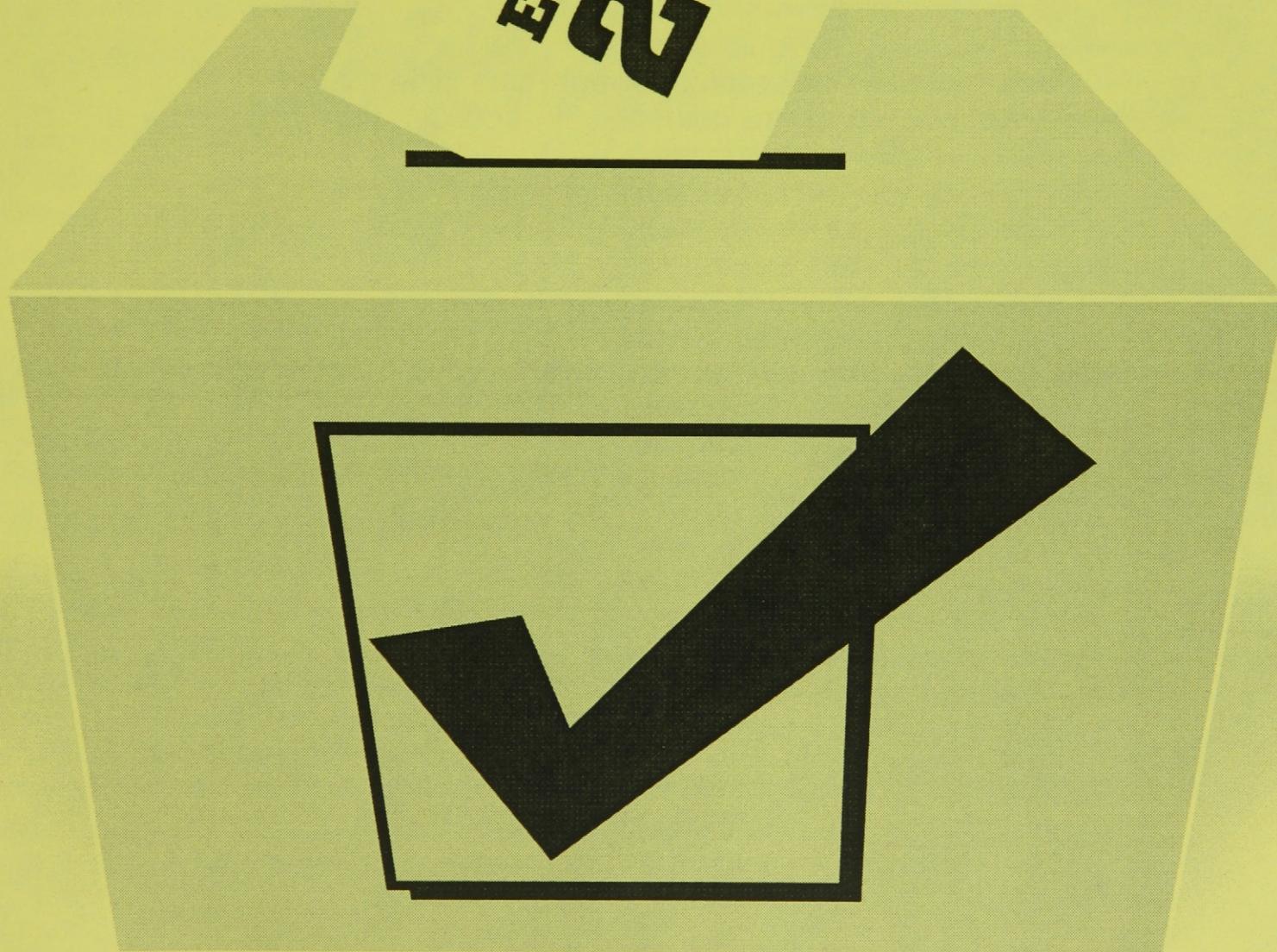


**QUID  
NOVI**

**ELECTIONS  
2012**



Journal des étudiant-e-s  
en droit de l'université McGill

McGill Law's  
Weekly Student Newspaper

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*Journal des étudiant-e-s  
en droit de l'université McGill  
McGill Law's Weekly Student Newspaper*

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## WHAT'S INSIDE? QUEL EST LE CONTENU?

ÉDITO	3
WHY POST-SECONDARY EDUCATION IS NOT A RIGHT	4
MANIFESTATION CONTRE LES FRAIS DE SCOLARITÉ	5
MON JARDIN	5
LE DROIT MÈNE À TOUT	6
JUST CAREER DEVELOPMENT AND SOCIALIZATION OF THE LEGAL PROFESSION AT MCGILL	7
QUID ELECTION SPECIAL	11
SANDRA V NODOBY 2012 NCDH 1	15
THE NDP: FUMBLING TOWARDS POLITICAL ECSTASY	17
CARTOON	18
MULCAIR: A HUMBLE ENDORSEMENT	19
A 2L SPECIAL: TOWN HALL, PIZZA & DEAN JUTRAS	20
LIBRARY NEWS	21
UNDERGRADUATE SCHOLARSHIPS AND PRIZES	22
END-OF-YEAR REPORTS: VP INTERNALS	23
WRONGFUL CONVICTIONS: THE PATH TO PROVING INNOCENCE	25

## WANT TO TALK? TU VEUX T'EXPRIMER?

Envoyez vos commentaires ou articles avant jeudi 17h à l'adresse : [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)

Toute contribution doit indiquer le nom de l'auteur, son année d'étude ainsi qu'un titre pour l'article. L'article ne sera publiée qu'à la discrétion du comité de rédaction, qui

basera sa décision sur la politique de rédaction.

Contributions should preferably be submitted as a .doc attachment (and not, for instance, a ".docx").

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*Co-rédactrice en chef*AMANDA  
PETRAKIS

# LIBERTÉ FLEURISSANTE

Le printemps est tout près (en fait, nous serons demain officiellement en saison printanière!), mais c'est un taquin qui nous lance des promesses de jours ensoleillés pour nous jeter un froid hivernal à la place! Malgré la schizophrénie du printemps montréalais-québéco-canadien – elle dénote bien la confusion identitaire qui touche plusieurs d'entre nous ici, n'est-ce pas? – nous refusons obstinément de dire trop de mal à son sujet parce que l'espoir de renaître, bourgeonnant dans nos coeurs, est trop précieux. Nous sommes superstitieux, de petits peureux qui veulent s'assurer de ne pas trop offusquer Hadès pour qu'il puisse nous délivrer Perséphone.

En ce temps où le stress nous gèle, tel le souffle du Barber, de l'intérieur, il est quand même intelligent de nous laisser nous emporter par nos fantaisies estivales de temps en temps : une infusion d'optimisme ne peut faire de mal à notre motivation. Fermez vos yeux : imaginez le jour où vous n'aurez plus un gros sac à dos sur les épaules, où il n'y aura rien qui presse, où le choix du jour consistera à déterminer quelle saveur de crème glacée ferait plaisir à vos papilles gustatives. Visitez le Bilboquet sur la rue Bernard cet été – vos papilles vous sauront gré!

Surtout, le printemps nous inspire de nous dépasser, de nous lancer un défi, quoi que ce soit. Dans son article *March: The End of Resolve* du dernier Quid (vol. 33, no. 17), David Groves a réussi avec brio, selon moi, à dépeindre le processus de résolution par lequel nous passons tous à un certain moment dans nos vies. Il est vrai que la poussée qui nous animait au mois de janvier est maintenant sur un flot coulant en aval. Elle se

laisse malheureusement emporter avec la neige fondante! Nonobstant la véracité des propos de mon ami David, je tiens résolument à l'espoir de regagner un esprit aventureux. Il est normal de déraper en mars, mais lorsque les oiseaux se mettent à chanter et les rayons du soleil transpercent les nuages et traversent notre chair pour nous réchauffer l'âme, un certain sens de liberté commence à fleurir au plus profond de nous. Comme dans *L'Alchimiste* de Paulo Coelho, les conditions extérieures sont favorables pour nous, mais pour en prendre avantage il faut sciemment décider d'aller vers l'avant. La fleur est fragile et requiert un certain effort de notre part pour ne pas périr de nouveau. Donc, alors qu'il était difficile de persévérer dans notre programme de conditionnement physique en début mars, il est maintenant plus facile parce que le tapis roulant est remplacé par le pittoresque du Mont-Royal ou de la rue Monkland. Et surtout, n'oubliez pas de vous lancer de nouveaux défis! Ne ruminez pas sur vos vieux échecs: le monde est plein de nouvelles opportunités tout aussi belles, parfois imprévues. Mais n'attendez pas nécessairement à ce qu'elles vous tombent du ciel... *Which reminds me : I should practice what I preach.*

Il faut faire preuve d'un peu de patience encore avant de faire confiance aveuglément aux promesses du printemps, mais n'ayez crainte : les blues feront place au renouveau, à la chaleur et à l'aventure, comme toujours, à la fin du mois d'avril. Il ne faut pas désespérer. Le cycle tolstoien de la vie est inéluctable.

*Embrace the lows because they make the highs much more potent.*



ANDREW  
HIGDON

# WHY POST-SECONDARY EDUCATION IS NOT A RIGHT

A right is one half of the obligation-right relationship. A right does not exist without its corresponding obligation because they are logical conditions of each other. There are two kinds of rights: positive and negative. A positive right has a corresponding obligation to do something while a negative right has a corresponding obligation not to do something.

An example of a negative right is the right not to be assaulted. I have a right not to be assaulted therefore others have an obligation not to assault me. An example of a positive right is the right to clean drinking water. You have the right to clean drinking water therefore someone/everybody has the obligation to provide you with it.

If post-secondary education is a right, it is a positive right because it requires others to do something for us. Positive rights are special because the obligation that is attached to it is an obligation to perform – someone must do something for you.

Negative rights merely require other parties not to interfere with you. This distinction is not dichotomous because it is often possible for the same right to have both aspects. For example: if I claim the right to use public healthcare, I might say that no one has the right to stop me from using it AND that it must be provided to me.

All rights imply force. Rights are meaningful where they are enforceable. For this reason, we must be especially careful when asserting positive rights because when we do so, we are stating that other people should be forced to do something for us.

Personal autonomy is often considered to be a foundational right. Because of this, forcing other people to do something is a

problem because it conflicts with their right not to have their autonomy interfered with. Negative rights also interfere with personal autonomy, but I have an intuition that more justification is needed when ordering someone to do something than when ordering someone not to do something.

This is not to say that we should never claim positive rights and, consequently, order someone to do something. It does not feel controversial to give everyone the right to clean drinking water. We are comfortable creating an obligation that forces others to provide drinking water because the need for water is so pressing that it offsets our reluctance to limit personal autonomy.

Nonetheless, personal autonomy is so important that we should think very carefully before we make detractions from it. I would argue that the reason we feel comfortable limiting the personal autonomy of some for the drinking water of others is because drinking water is necessary for survival. I think we are also comfortable extending rights to other fundamental needs, like human dignity. Overall however, it seems likely to me that there are probably relatively few positive rights.

When we claim that post-secondary education is a right, we are claiming that we are justified in commanding others to provide us with it. If we say that post-secondary education is a right (as opposed to merely affordable post-secondary education) we are claiming that we are justified in commanding others to provide it to us at no cost to ourselves. We are infringing on the right to personal autonomy of others in order to satisfy a need. This is fine so long as the need is sufficiently pressing to offset the detraction from everyone else's personal autonomy.

I do not believe that it is. Rights are designed to protect essentials – critical things for our survival and wellbeing. They must be limited to this small set of things because one right in our collection is the right to personal autonomy. In order to be internally coherent, there will be few positive rights because we must weigh each prospective right's obligation cost against the value of personal autonomy. Since few rights are more pressing than personal autonomy, few can be admitted. It is likely that only critical requirements for our survival and wellbeing will be protected by rights. Post-secondary education is not necessary for survival, nor is it necessary to preserve human dignity. I cannot conceive of how it could be a right.

This does not mean that we cannot decide as a democracy to enact a policy granting free post-secondary education. This only means that we cannot use rights-language to claim it. Rights are prior to democratic governments, and so a claim in rights-language is about the most powerful argument we can make. As citizens in a democracy we voluntarily limit the scope of some of our rights (such as autonomy) because we recognize the greater value that we obtain in doing so collectively. We demonstrate our consent to limit the scope of our rights by electing officials to represent us. A rights claim obligation is different from a democratically legislated obligation because there is no presumption of consent necessary for a right based obligation to be binding. They are always binding no matter the case – which is why they are so powerful. Rights amount to a "nuclear option" that we can use for issues of extreme importance. They are necessary for issues of life and death. Post-secondary education is not an issue of life and death.

COMITÉ MOB  
DE LA  
FACULTÉ DE  
DROIT

# MANIFESTATION NATIONALE CONTRE LA HAUSSE DES FRAIS DE SCOLARITÉ : JOIGNEZ-VOUS À NOUS!

Notre association étudiante a pris position contre l'actuelle hausse des frais de scolarité en assemblée générale en octobre dernier. Malgré le refus démocratique envers une levée de cours symbolique le 22 mars, McGill Law sera toutefois présent lors de la manifestation nationale contre la hausse des frais de scolarité. Joignez-vous à nous! Le 10 novembre dernier, nous étions une quarantaine à prendre part au mouvement.

About 200 000 students across Québec are currently on unlimited general strike and many more will join them on March 22nd.

RASSEMBLEMENT AVANT LA MANIFESTATION (22 mars à 12h30 devant la bibliothèque). On part en groupe, avec nos



sourires, nos belles affiches et notre bruit! La manifestation devrait commencer à 13h à la Place du Canada. Come with friends and family! Wear your McGill hoodie if you have one!

ATELIER DE PAN CARTES (Wednesday March 21st, 12h30-14h30 in the atrium). Come and make your own poster! Si vous avez des questions sur la manifestation ou sur le mouvement de grève (déroulement, si vous ne voulez pas y aller seul-e), n'hésitez pas à venir nous voir. Du matériel sera fourni, soyez créatifs!

Si vous avez des questions ou des commentaires, vous pouvez contacter Dominique : [dominique.boutin@mail.mcgill.ca](mailto:dominique.boutin@mail.mcgill.ca)

Law I

LUDOVIC  
BOURDAGES

## MON JARDIN

Mes semelles foulent la terre de mon jardin  
dans le coin gauche de ma petite cour  
isolé tel l'étoile échappée de la toile noire  
j'y cultive les lunes

il m'arrive même de les baigner à minuit du soir  
imbibant leur douce rondeur céleste  
d'une eau qui les reflète en miroir

c'est cet effet que la Lune (l'Unique)  
jalouse du haut de son ciel monotone et triste

négligée par les jardiniers Terre à terre.

**MARYSE  
CHOUINARD**

# LE DROIT MÈNE À TOUT!

Dans son éditorial « Envers et contre tout » (QN, vol. 33 n. 17, 13 mars 2012), Thomas Gagnon-van Leeuwen soulève le souhait fort légitime - et partagé par l'auteure - de voir des choix de carrières alternatives occuper une place plus importante dans les activités du Centre de développement professionnel (CDP).

Au plus fort du plus gros et visible processus de recrutement de l'année, il exprime aussi une critique courante, soit que le CDP contribue à renforcer l'impression que la course aux stages est un choix inévitable. Je suis plutôt contente, comme nouvelle directrice du CDP, qu'on me donne l'occasion de donner l'heure juste sur cette question.

Il n'est pas surprenant qu'un étudiant ou une étudiante puisse se forger une impression d'inéluctabilité dans le déluge de bannières et de logos qui reviennent annuellement, financement de l'association étudiante oblige. Pour restaurer un certain équilibre, le CDP dispose d'outils et de budgets limités, qu'il essaie toutefois d'employer judicieusement et de façon créative. C'est ainsi que pour la première fois cette année, toutes les informations sur la course aux stages (CaS) ont été transmises par le biais d'une liste de distribution exclusive aux participants, et non imposées à l'ensemble de la communauté étudiante.

En adoptant une approche honnête et proactive, un étudiant peut aussi dissiper cette impression :

- En se promenant sur le site web du CDP. Évidemment, il faut éviter de s'en

tenir à la section « Organized Recruitment », qui ne regroupe en grande majorité que les employeurs qui ont les ressources nécessaires pour effectuer leur recrutement deux ans d'avance et aux mêmes dates (Indice : rares sont les employeurs en intérêt public dans cette situation);

- En accédant aux offres d'emploi de secteurs divers affichées sur myFuture à l'instigation du CDP ;
- En lisant attentivement le bulletin CDO News (Rappel : nous cherchons un meilleur nom!), et en devenant fan de la page Facebook du CDP (« McGill Faculty of Law Career Development Office »), où, depuis le mois de janvier, les événements et ressources externes partagés avec la communauté sont principalement liés à l'intérêt public;
- En passant nous voir au 4e étage, soit pour une consultation personnalisée, soit pour discuter de façon informelle de notre vision et de notre ouverture sur les avenues possibles en dehors de Wall Street, Bay Street et euh... l'équivalent montréalais. (René-Lévesque Ouest? De la Gauchetière?).

Ces discussions et rencontres spontanées pour comprendre les besoins et les préoccupations des étudiants s'ajoutent ainsi au Comité consultatif du CDP, aux rencontres bimensuelles avec la VP relations publiques, et au sondage sur la qualité des services du SAO/CDO.

Je souligne que d'autres questions professionnelles préoccupent la communauté

étudiante légalomcgilloise trouveront réponse dans le compte-rendu sous forme d'entrevue (à venir dans le Quid!) de ma rencontre avec Jaimie Tax, coprésidente des étudiants de deuxième année. Je termine en exprimant ma confiance dans l'amélioration de la perception d'un meilleur équilibre dans les années à venir. En effet, rappelons-le, le CDP fonctionne actuellement avec un calendrier encore réduit au strict minimum en raison de la grève, le calendrier de la session d'hiver étant habituellement fixé à l'automne.

J'espère que cet article rassurera Thomas et les autres étudiants qui pourraient avoir la fausse impression que le CDP priorise la CaS au détriment de la recherche de leurs propres voies. Après tout, moi aussi j'ai déjà été une âme perdue de deuxième année, chapardant bouffe et vin dans les Coffee House commandités, et décrochant un stage (et finalement, un poste d'avocate) à défaut de réflexion aboutie sur ce que j'allais faire de ma carrière une fois mes illusions dissipées. Néanmoins, mon expérience en pratique privée et le détour vers des champs de pratique alternatifs qui ont suivi ont été fructueux. Si bien qu'aujourd'hui, de retour au bercail dans le petit château sur la colline, je peux partager avec vous des conseils plus éclairés. (Learn from my fail, comme on dit.)

BILL  
SHIPLEY

# JUST CAREER DEVELOPMENT AND SOCIALIZATION OF THE LEGAL PROFESSION AT MCGILL

## PART ONE OF TWO

Thomas Gagnon-van Leeuwen's editorial last week once again raised the issue for me of the difficulty of figuring out one's future legal career while in the midst of law school, and in particular the heavier burden on those of us who may not be particularly attracted to most visible and most accessible path laid before us, of OCI's, Course aux Stages and corporate firm coffeehouses. Through these experiences we are all given the opportunity to socialize with a very particular subset of legal practitioners. However I suspect career development outside of this process can be intimidating, insular, and anxiety-ridden for many students who do not have a common process of recruitment and career development that is recognized, discussed, and visible or easily identifiable. Perhaps this is to be expected – it is always more difficult to be a trailblazer or follow a divergent path than to follow a well-worn one. But when time is perhaps the law student's most valuable resource – that of which we are in the shortest supply – those students who want to pursue more idealistic or unconventional career paths have to invest the most, and take the greatest risk, in pursuing careers in the public interest. Alternatively, time spent by students in research, internships, and exposure to practitioners who might wish to recruit us is also a valuable resource – one which affects not only our career prospects but also the broader institution and society as a whole. I believe that large law firms have the resources necessary to recruit top talent – they do not need McGill to help them do that. And yet it is our exposure to these firms that is the only process of acculturation to the legal profession that all of us experience or are equally exposed to as

students. This begs the question – is this the appropriate state of affairs for an institution ostensibly dedicated to the pursuit and achievement of justice?

If we conceive of McGill as an institution promoting justice, then (not to get too theoretical here) what if we were to apply Rawls' view to the functioning of McGill as such an institution with respect to the valuable resources of students' time and exposure to legal careers? Is access to students, to their current activities and exposure to potential future careers equally distributed, or to the extent that it isn't, of greater benefit to the least advantaged members of society? Are offices and positions open to everyone under conditions of fairness and equality of access and benefit? Is the job search a process that is relatively equal between those students following a more conventional path and those following one more dedicated to the pursuit of justice for those who lack access to it? These are the questions I would suggest McGill, the CDO, and we as law students and Quid readers ask ourselves. The many opportunities for research, internship and clerkships notwithstanding, my initial sense of the answer would be no, not by a long shot. McGill as a university is very innovative with respect to the study of law, which in a sense makes its lack of innovation with respect to researching and creating alternative careers in law all the more frustrating.

More frustrating still is the informal views of career paths or study in the public interest among the student body. I suspect that regard for the impact of law in society on the least of its members is far more

present in our admissions applications than it is in our career planning. Like many of you I'm sure, I have often heard courses with respect to human rights and social justice disparagingly referred to as "hippie courses." While this is unfortunate, I believe it is also indicative of the dismissive attitude that many students have with respect to these career paths. As someone from a middle class background myself, I attempted to acquire some sense of the experiences of working class people and communities of color before coming to McGill and it very much opened my eyes to the injustices that exist on an everyday basis. Similarly with the human rights internship, I realize the disconnect between Canadians' common understanding of the way their nation has historically treated aboriginal peoples, and the ongoing impact of the Indian Act today. Other students who have been introduced to public interest work not out of any particular commitment but simple curiosity have their eyes opened as well to a range of injustice of which they were previously ignorant. Canadians do not have to travel overseas to confront dire human rights problems. However public McGill events around these issues tend to "preach to the choir" whereas the folks that think these are "hippie" issues tend to remain disinterested and uninvolved.

Many of us, the less public-interest-minded included, will go on to occupy positions of extreme power and privilege by virtue of our practice in the field of law. What then is the consequence of our collective apathy or disregard for systemic injustice? Practice in the public interest is most certainly not presented to us as consisting of an integral part of our profes-



## LES GRANDS AVOCATS DU MONDE SONT AVANT TOUT DE GRANDS CITOYENS DU MONDE.

À notre cabinet, vous travaillerez avec des avocats ayant conclu des transactions de plusieurs milliards de dollars, d'autres ayant représenté des premiers ministres et d'autres encore ayant plaidé devant la Cour suprême des causes qui ont fait jurisprudence. Qu'ils courrent des marathons, vivent de grandes aventures ou se dévouent pour des causes humanitaires, vous verrez que les membres de notre équipe comptent plusieurs êtres d'exception. Chaque année, dans le cadre de nos programmes d'emplois d'été et de stages, nous cherchons à identifier des étudiants qui, tout comme nous, conjuguent leur coup de cœur pour le droit à un profond désir de se surpasser.

Nous ne sommes pas seulement à la recherche d'avocats exceptionnels, mais surtout d'êtres d'exception.

Pour consulter les fiches biographiques de nos avocats et voir si BLG répond à vos aspirations, visitez le site [blg.com/etudiants](http://blg.com/etudiants).

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*It begins with service*

sional responsibility as future jurists. If we consider from a practical perspective some of the historic criticism of the practice of law - that courts of law have been hostile or at the very least not fully open to the concerns of marginalized groups such as the poor, peoples of color, labor unions or aboriginal peoples, and that judges tend to be influenced- consciously or unconsciously- by class and social biases, then one must recognize that this bias, if not begins at, then at least continues through one's legal education. Bias is to some extent unavoidable, and we cannot manufacture student interest where none exists. Nonetheless I think it goes without saying that McGill's role within this process of our acculturation as future jurists becomes extremely important.

Law faculties are perhaps the only nexus for the confluence of competing fields of the study of law, the only place where students with a divergent range of interests are together in the same place. This nexus is an ephemeral thing. Once we go onto our respective careers, we move towards the specialized fields we will pursue and thus in a sense this community is lost. Indeed as I continue to discover, well into my sixth semester, what amazing things my classmates have done in that Time Before Law School, I realize how little we truly know one another, much less share what we've learned in our own research, or collectively imagine to what novel uses we can practically apply our own legal education. McGill is perhaps the last place where many of us may be exposed to these issues in our legal careers. Yet I can't help but think that it remains quite easy for many students to make their way through the law faculty without having any exposure to the ways in which our legal system and processes reinforce the marginalization of those who exist beyond the realm of its effective protection.

I think too often these are concerns that we pay lip service to more so than regard as one of the most solemn responsibilities

that we have. As an institution dedicated to the understanding, pursuit, and (ideally) achievement of justice, and as the physical and intellectual nexus wherein students are exposed to careers in justice and other organizations are given access to the collectivity of students' talents and interests, I would encourage McGill to use its resources judiciously to the end of simplifying the path for those students who do intend to follow through with their more idealistic notions of careers in law. We need to continue to consider ways in which the valuable resource that is the creative intelligence of McGill students can be better linked with the very real needs of those whose justice claims remain unanswered or unheard. And we need to consider how we can lessen the burden in time and stress on those students who do not want to follow the path that is otherwise clearly laid out for them.

The question is, what does McGill do with the opportunities it has to open the minds of students who may never have considered alternative paths that lead on to pursue justice on behalf of the least fortunate members of our society, and to acculturate those not so inclined to an appreciation for the nature of their experiences with the legal system? Alternatively, what is McGill doing to turn its mind to the considerations of these groups, to proactively survey their concerns? Empirical legal studies come to mind- these are few and far between unfortunately. At the very least we must consider how as a social space we acculturate ourselves to implicit but collective expectations of success and achievement whose apex does not include public service (with the exception perhaps of those entering legal academia).

As the new bar requirements show, it is those students with a more exclusive interest in public law who must educate themselves in the fiduciary responsibilities of business and corporate law, and not vice versa (the "hippie" course re-

quirement notwithstanding). And yet there are simple and basic ways that McGill can "mainstream" such considerations in its introduction of students to career possibilities, even with respect to corporate firms. One might be to require firms to demonstrate/explicitly discuss during coffeehouse some of the public interest/pro bono work that they have accomplished. This would go a long way to demonstrating to students that these are not "hippie" concerns but actually responsibilities of public service and consideration that accompany the privilege of practicing law that need to be taken seriously (this would also highlight which firms do not undertake similar commitments and thus indirectly encourage them to do so). Another would be to do a greater job of highlighting the stories of those who did not pursue traditional paths in law. I think McGill does a great job with high school student outreach, with legal clinics and the Legal Information Clinic (with which I volunteer) and the career guides are also well done, but I don't think there is sufficient space for recognizing the interests of the most marginalized members of our society during the experiences that are most universally shared among students- namely coffeehouse, orientation, required courses and the job recruitment process- at least, not in the terms that are sufficient for us to consider our faculty an institution of justice in the Rawlsian sense. I realize that this is a very high and perhaps unachievable standard, but if I can think of any place where a standard like that has even a remote chance of being taken seriously, it would be McGill.

Additionally, what is McGill doing to allow those naturally inclined to public service but whose own opportunities to pursue professional experiences are very limited? It is ironic that students from disadvantaged backgrounds often cannot afford to pursue an unpaid internship in the public service, whether locally or internationally. Unless they acquire one of a very limited

number of available scholarships, only those students whose families have sufficient means to subsidize them can afford the experiences these unpaid internships offer. There are notable exceptions- such as the International Human Rights Internship program from the Centre for Human Rights and Legal Pluralism- that both provide funding and pool opportunities in a single process that definitely makes things easier for students. But even these opportunities lack the same long-term career development potential that summering at

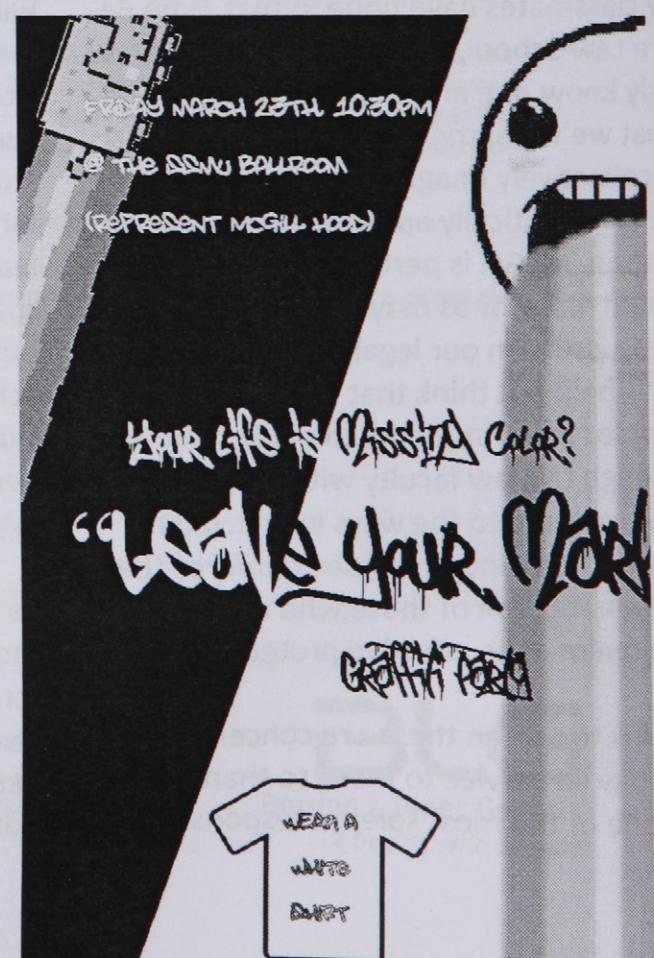
a firm provides. There is rarely an articling position or post-graduate work opportunity resulting from these internships. McGill does an commendable job with providing discrete opportunities for social justice work of limited duration, but I would suggest that more should be done- that McGill and the CDO should be devoting the time and resources commensurate to its own power as an institution to shape the minds of the future leaders of the legal community to be proactive in bringing atypical career opportunities or

planning to the attention of students, rather than students researching these themselves as so often seems to be the case (and which until recently did seem to be the case with respect to Public Interest Career Day). I realize this is likely simply a question of limited resources, in which case I would ask those of us entering the legal profession this year what we are capable of doing collectively to ameliorate this situation.

**This is the first half of *Just Career Development and Socialization of the Legal Profession at McGill*. Part two will appear in next week's edition!**

## “LEAVE YOUR MARK”, INTERFACULTY GRAFFITI PARTY

Hey fellas! Your life starts missing color? Get your sharpie ready because on next Friday, March 23rd, a huge Graffiti Party will be held at the SSMU Ballroom (on McGill campus). You'll have the chance to dance and drink with Medicine, Science, Management, Engineering, Arts, Law and Nursing students enjoying the end of midterms! Anyone exterior to McGill is also invited! Entry is 5\$ and REALLY cheap drinks will be served inside. And to keep a quiet conscience, this event represents also a MASSIVE fundraising for McGill Medicine's cheerleading team. So, 2 DJs, cheap drinks and over 200 students from 7 different faculties for 5\$... you're sure you want to miss it? Ticket selling starts NOW, but for more information about the selling locations and dates, check the Facebook event:  
<http://www.facebook.com/events/201219643312282/> (or type “Leave your Mark” on Facebook)



# LE QUID PRÉSENTE LES CANDIDATES ET CANDIDATS DES

# ELECTIONS 2012

## LSA PRESIDENT

Cliché or not, when we work together, we achieve more. Nous avons une faculté empreinte de valeurs diverses, et cela doit être pris en compte et respecté, mais nous avons des valeurs partagée aussi. My vision of the LSA is an organization that works to take positive action on its members' beliefs.

My concrete platform is that the LSA should form a committee to investigate how it could invest some of our accumulated surpluses into an ambitious project that

L'AÉD doit favoriser le maintient d'une communauté ouverte d'esprit et engagée pour notre développement en tant qu'étudiant(e)s et jeunes avocat(e)s. Il est en effet primordial que les étudiants puissent tisser des liens forts entre eux, exprimer leurs passions et qu'ils prennent part aux initiatives de la Faculté de droit et de McGill. The LSA can facilitate these goals with diverse events, greater support for clubs and student-driven initiatives, and student engagement in policy making and advocacy through referenda and open fora.



**CHRIS  
DURRANT**

would reduce carbon emissions and possibly generate revenue for the association. From solar panels to green roofs to better light bulbs, nothing would be off the table.

Mon objectif, c'est qu'à la fin de décembre prochaine, nous puissions tenir un vote sur la reconduction du projet. Et au-delà de ça, mon objectif c'est que les gens soient fiers de l'AÉD.



**GRAHAM  
SPLAWSKI**

Experience matters: to achieve an open and inclusive community the LSA President needs to be able to manage and leverage networks at the Faculty and around McGill.

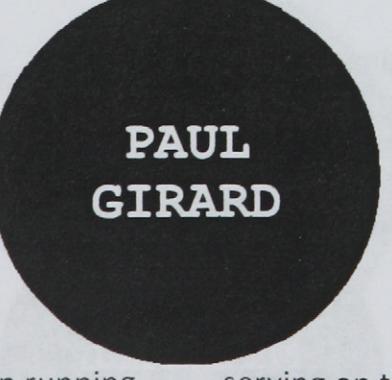
J'ai déjà créé ces réseaux en tant que VP Interne de l'AÉD, Co-Président du comité de l'Orientation, Président de première année, et aussi durant mon bac antérieur avec les clubs de l'AÉUM, l'Association des étudiant(e)s en histoire, et Leadership McGill.

## AÉD VP INTERNE

### (Ongoing Events)

Bonjour, je me présente comme candidat au poste de VP Interne (événements continus). Et puisque je suis le seul candidat pour ce poste, je serai en effet votre VP-interne pour l'année scolaire 2012-13.

The VP-internals are directly responsible for organizing most of the social events during the school year, such as orientation, malpractice cup, the end of year party, and club coffeehouses. I was involved in running many of these events over the past year, including orientation,



**PAUL  
GIRARD**

which had more events and stronger participation than the previous year.

I understand that our diverse faculty have different interests. As such, I will seek to get student input and make the LSA as inclusive as possible. There will be many opportunities for students to get involved in LSA events. In particular, you should all consider serving on the orientation committee if you will be in Montreal this summer, as it's a great time.

### SARAH KETTANI (Special Events)

## QUID ELECTION SPECIAL

### LSA VP PUBLIC RELATIONS

My previous experience as President of the Law, Society and Justice Students' Association at Dawson, as well as an avid member in Student Government every year and a member on the Graduation Committee have equipped me with the skills necessary to succeed in this position. I have extensive experience in event planning, introducing speakers, spearheading meetings and coordinating with various organizations and esteemed individuals.

Chèr(e)s Collègues,  
Je me présente pour le poste de Vice Présidente aux Relations Publiques l'année prochaine au sein de l'AÉD.

Ce rôle étant très exigeant, la personne qui l'assumera devra faire preuve d'une capacité exceptionnelle d'organisation et de gestion. Ceux qui me connaissent peuvent témoigner de mes habiletés rares à ce niveau.

De plus, il faut noter que je travaille déjà dans le milieu corpo-



**EVITA  
FERREIRA**

I have had a consistently excellent rapport with other team members, both as a leader and as a member myself, and have proven my ability to prioritize effectively and work well under pressure. I am ready to bring the same energy and vigor as I have in my past leadership roles. I am committed to building strong relationships between McGill Law students and firms to help pave the way for their future successes.



**CAROLE  
GILBERT**

ratif depuis quelques années et que je comprends bien les réalités du monde professionnel.

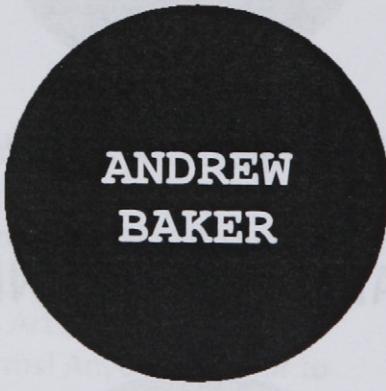
Having worked for corporations in Australia, Mali and Guyana, my language skills suit the task at hand and I can easily adapt to different work cultures. If I am elected, I plan on working creatively with the LSA to bring you plenty of new networking opportunities.

Above all – I am interested in hearing what YOU want your VP PR to take on next year. Come talk to me :)

### AÉD VP EXTERNE

Notre présent VP-externe décrit sa position comme le « Google » de l'AÉD : on recueille l'information pertinente lorsque demandé. J'envisage aussi le VP-externe comme le « Wikipedia » de l'AÉD : on facilite un projet de collaboration auquel nous pouvons tous contribuer. This year has been contentious. We're law students, we're passionate and we argue, but the VP-External should facilitate and balance rather than prioritize our voices.

Let's strengthen the referendum system by encouraging more discussion; let's not limit the dialogue to the question itself, but



**ANDREW  
BAKER**

also consider what positive action the LSA will undertake.

Développons d'autres mécanismes pour les clubs qui veulent utiliser les ressources extérieures de l'AÉD pour poursuivre leurs projets avec succès.

Let's streamline communications; we can better prioritize and target our messages and avoid email bombardment.

Let's advocate for a better deal with SSMU during upcoming negotiations; this is an opportunity for new club funding.



**MICHAËL  
LESSARD**

J'ai eu l'honneur de vous représenter au Conseil législatif et au Conseil d'administration du SSMU et d'être VP Externe du Conseil des premières années de McGill. Vous avez vu avec quelle énergie j'ai rempli mes fonctions et défendu mes opinions. Quoique nous ne partageons pas toujours les mêmes opinions, quelque chose qui nous lie tous : notre appartenance à la communauté de McGill Law. Je souhaite maintenant mettre mon énergie à votre service.

Professor Manderson said, "At McGill, you will be given not just a professional training, but an education." There is more to seek here than some cramming. We can find this education not only in our classes, but also in the friends we make, the experiences we live. Each student can expect that from his or her university. My goal is to help you make the most out of McGill.

# SPÉCIAL DU QUID POUR LES ÉLÉCTIONS

LSA VP FINANCE

MIKE MULRONEY

LSA VP CLUBS & SERVICES

ANDREW HIGDON

AÉD VP ACADÉMIQUE

ALEXANDRA  
BELLEY-MCKINNON

AÉD VP ADMINISTRATION

ALEX DERSTENFELD

## 2L CLASS PRESIDENTS

SANDRA AIGBINODE - FRANK ARSENEAULT

## 3L CLASS PRESIDENTS

JAIME  
TAX

It would be my pleasure to carry on my presidential duties and serve as your 3L co-president. Priorities? (1) To maintain our class bond. 3Ls are known for "checking-out"; let's avoid this. (2) Construire une relation plus forte avec le CDO. Pour les 3Ls, les emplois deviennent une priorité; nous avons besoins de travailler avec le CDO pour rendre le processus aussi efficace que possible. (3) Insert your ideas here.

As well as: ERIN BROWN

## VALEDICTORIAN

JOEY  
FLOWERS

have lived at McGill law, I hope that students in my community will say to themselves, "He did it, now I want to and I will."

Pour reconnaître la tradition trans-systemique de notre école et de notre pays, qui inclut autant les traditions autochtones qu'anglaise et française, je souhaite faire un discours quadrilingue : en mohawk, en français, en inuktitut, et en anglais.

Hello 2Ls! I'm back, and ready to represent you for another year. Pourquoi? J'ai bien aimé mon expérience cette année. Des soirées trivia aux réunions constructives avec le CDO, j'ai apprécié passer du temps avec vous et être à l'écoute de vos questions, commentaires et préoccupations concernant votre expérience dans la faculté. The results? Positive. I was able to bring people together, and your feedback was not only heard, but suggestions were made in order to improve for next year.

Lorsque j'ai achevé mes études secondaires à l'école Jaanimmariq dans le village de Kuujjuaq, c'était les images d'Inuits éduqués qui m'ont inspiré à rêver, à viser haut, et à surpasser ce que je pensais être possible. Je suis maintenant le premier Inuk de Nunavik (Nord du Québec) à obtenir un diplôme en droit, et j'attends avec impatience les prochain(e)s étudiant(e)s qui iront encore plus loin que moi.

We have pushed, challenged, and changed ourselves and each other. By speaking about the exciting transformation that we

*(Continued on following page)*

## QUID ELECTION SPECIAL

### VALEDICTORIAN (continued)

Graduation from McGill Law represents different things for everyone. For some it will be the realization of a life-long dream of becoming a lawyer. For others it will be the culmination of years of academia and the end of the incessant march of classes, papers and exams. For still others, it will significantly mark the end of their years here at McGill, whether they were among the greatest years of their life or ones they would sooner forget. Either

Je suis loin d'être le candidat idéal pour donner le discours d'adieu et c'est précisément la raison pour laquelle vous devriez voter pour moi.

To some, the valedictorian is supposed to be the best and the brightest of the graduating class. I have no delusions of grandeur about my prospects of winning the Gold Medal. Rather, it is my firm belief that the valedictorian's role is to be truly representative of their peers' experiences and in this respect I have given it my all.

Remember when Dean Kasirer walked into our 2008 orientation and no one stood up? Or when we sat in the atrium watching Obama's inauguration? Or our post-factum drinks at Thompson House? My goal as valedictorian is to make a speech that brings together all our 'McGill experiences'. I treasured my time at McGill because I was able to contextualize international law both at the faculty and amazingly in Sierra Leone. Yet, the universal moments remain just as meaningful. Je m'engage donc à solliciter vos points de

We arrived, Day 1, to a long line of strangers. Et nous voilà enfin arrivés au bout de ces quatres dernières années ayant trouvé une nouvelle famille.

Whether it was defending the MLJ and Cite Guide against pro-punctuation zealots, or the MILS trip to NYC, I have truly enjoyed every step of this journey. We have been up until 3am dancing together, made spectacles of ourselves on stage together, and seen all of our hard work finally pay off together. Les souvenirs de ces



**RYAN  
GALLANT**

way, at convocation we will all hold in common the successful completion and accomplishment of an ambitious goal. If elected to be your valedictorian, I hope to capture all of these emotions that convocation holds for each one of you as we celebrate our achievement with friends and family, collectively reminisce about our time here at McGill, and look forward to our future aspirations.



**ADAM  
LAFRANCE**

J'ai fait de mon mieux pour connaître mes pairs à travers les cours ainsi que lors des activités parascolaires (MIFA, co-président des 3L, RIPP, Skit Nite).

Ce discours offre l'unique opportunité de non seulement se souvenir de nos moments passés ensemble mais aussi de réfléchir par rapport à ce que nous avons appris. Si vous me le permettez, je rendrai cette dernière expérience commune mémorable.



**YENIVA  
MASSAQUOI**

vue et vos histoires marquantes (via Facebook, en personne, au téléphone, ou par bouche-à-oreille), afin que je puisse partager vos meilleurs souvenirs de notre passage à McGill. Je veux que notre collation des grades soit une opportunité de célébrer chacun de nous. Notre expérience universelle mérite un discours universel, alors faites-moi part de vos idées : qu'est-ce que McGill a représenté pour vous?



**SARA  
ROSS**

moments que nous avons passés ensemble me rendraient tellement fière de vous représenter en tant que major de promotion. Some people call the valedictory a farewell, but forget that nonsense—instead, I want to introduce our class to the world!

Fun Fact: Une petite enquête révèle qu'une seule femme figure parmi la liste des onze derniers majors de promotion de la Faculté de droit de McGill.

As well as: **JESSE GUTMAN - KATRINA PEDDLE**

SANDRA  
AIGBINODE

## SANDRA v NOBODY [2012] NCDH 1

### FACTS:

I have been acclaimed as one of your 2L Co - Presidents (the other is Frank, some guy which I'll introduce later)

### HISTORY:

As the outgoing 1L President, I would like to take this opportunity to thank all 1L's for their kind support this semester. I hope you enjoyed the events Dom and I put up for you, including: Free Samosas & Drinks' Day, Post-Memo Beer and Pizza Party, 1L Xmas Sock Hop Bash, and the 1L Lovin' Valentine's Movie Night! End of year 1L dinner anyone?

### ISSUES:

When you're acclaimed, two issues arise: (1) Are there some out there who are utterly appalled that I won? (2) If yes, what can be done?

### REASONING:

The word "acclaimed" means "an enthusiastic expression of approval" and "to welcome with shouts of joy." Who thought to use a word intended for deserving artists, musicians, and heroes, who people gladly welcome with sounds of joy, for unopposed candidates? Well, since acclamation assumes full support from the electorate, I'll take that :). For those who would like to see certain things done/changed/improved next year, pls feel free to ambush me in the hallways and voice your concerns. I am YOUR representative, and as such, very willing to hear your opinions.

### RATIO:

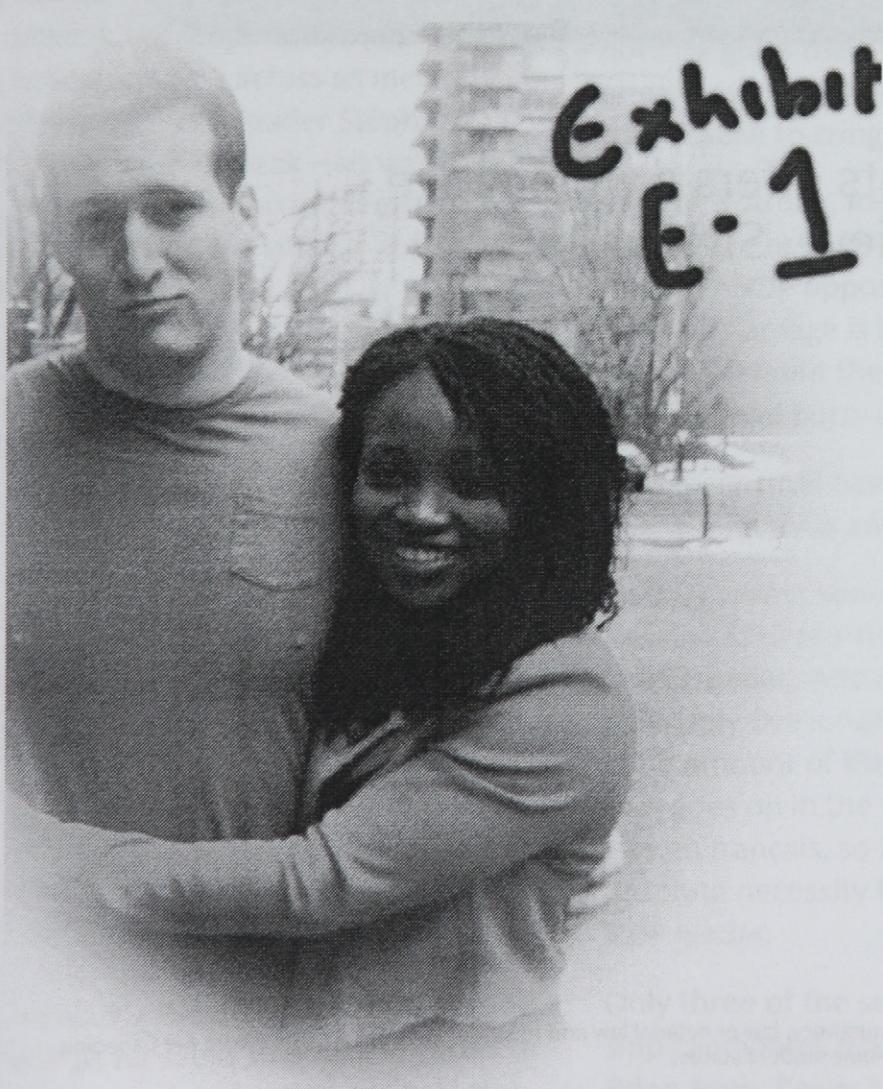
2L is gonna be pretty darn fantastic!

### CONCLUSION:

In the wise words of Jay Z: "Thank you, thank you, thank you, you're far too kind. Hold your applause, this is your song not mine."

NB: Thank you Me Lamed, I finally understand what concise writing looks like.

NB: Remember my new co - Prez aka Frank that I mentioned at the beginning? Well he is the one in the picture beside me. All I can say is acclamation never looked so promising.



# THE BENEFITS ARE HARD TO DISPUTE

Our financial package<sup>1</sup> for law students offers a wide range of advantages you have to see to believe. Sign up today.

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NATIONAL  
BANK

<sup>1</sup>This financial package is offered to full-time university students in accounting, accountancy, law or notarial law and to students at HEC Montréal who are Canadian citizens or permanent residents of Canada. Students must provide proof of their full-time student status.

DEREK  
ZEISMAN

## DATUM ERRATUM

# THE NDP: FUMBLING TOWARDS POLITICAL ECSTASY

On March 24, the New Democratic Party of Canada will choose its eighth leader. And not a moment too soon.

The party's interim leader, Nycole Turmel, has now been at the helm of the NDP ship for more than eight months, since the untimely demise of Jack Layton last August.

Ms. Turmel, a well-meaning rookie MP from Gatineau, was reportedly hand-picked by Mr. Layton for the post of interim leader shortly before his death.

Watching Ms. Turmel in the daily Question Period, I can't help but wonder whether Jack had a death wish for the NDP when he chose the hapless Ms. Turmel to lead Her Majesty's Loyal Opposition.

Each day, she chirps her questions to the Tory front benches like an aggrieved child. Her attempts at anger and indignation ring hollow, coming across as meresulking. Like former Liberal leader Stéphane Dion, her English is weak – so weak, in fact, that her heavily scripted questions sound foolish and her off-the-cuff remarks even worse.

The Harper Tories bat down her questions so lazily, so airily, that it seems Ms. Turmel is playing wiffle ball with the government, rather than hard ball. She is full of sound and fury, yet evidently signifying nothing. She is painful to listen to, depressing to watch.

Nature, as they say, abhors a vacuum. Ms. Turmel is that vacuum.

To fill the void, Bob Rae has appeared as the battered Liberal Party's white knight. On a daily basis in QP, Rae and his diminished but feisty Liberal caucus eat the NDP's breakfast. Mr. Rae, though only an interim leader himself, runs rings around the NDP as he seeks to hold the Tories to account for their mounting political sins.

Though I remain no great fan of the Liberal Party or its chief, Bob Rae may well be the finest, most charismatic Anglophone public speaker ever to grace the Liberal leadership. He is a tremendous verbal wordsmith – certainly leagues ahead of Mackenzie King, Lester Pearson, John Turner or the lamentable Michael Ignatieff.

Were it not for Mr. Rae's unshakably disastrous term as Ontario NDP premier 20 years ago, he might actually be prime ministerial material today. But alas, the what-ifs and could-have-beens of Canadian politics are endless.

Though the Liberal caucus is only one-third the size of the NDP contingent, the news media have ensured Ms. Turmel's irrelevancy by focusing their attention almost exclusively on Mr. Rae. And why not? He gives them the 12-second soundbites they crave. Ms. Turmel merely gives them cause to cringe.

Clearly, a strong, forceful leader is needed to take the helm of the rudderless 102-member NDP opposition – and fast, before the damage is irreversible and the Liberals cement their position as the de facto second party in the Commons.

That leader will have to be bright, articulate, charismatic and fluently bilingual.

That last point should be a given. Nearly two-thirds of the NDP caucus now hails from Québec. And although the Tories have only five lonely Québécois MPs, a good amount of the rhetorical sparring that goes on in the Commons is nevertheless en français, so full bilingualism is an absolute necessity for any prospective NDP leader.

Only three of the seven remaining leadership candidates really fit the bilingual bill: Brian Topp, Peggy Nash and Quebec's na-

tive son, Thomas Mulcair.

I rule out Mr. Topp immediately because he has never run for, or been elected to, any public office. Ever. He may be smart, affable and a great backroom tactician, but, in my books, political success must ultimately be measured in the trenches of electoral warfare.

Mr. Topp should run to be an MP and serve a few years in the House before gunning for the NDP's top job. The manner in which his campaign has floundered, after a relatively strong start, speaks to his grave inexperience as a retail politician.

Peggy Nash of Toronto is smart, feisty and well-spoken. She has been elected to the Commons, defeated, and then elected again. She has known the good times and the tough times, and is a political survivor.

Ms. Nash has put forward some interesting policy proposals during her campaign, including a strong focus on reforming Canada's archaic first-past-the-post electoral system. Like many Canadians, she believes some system of proportional representation would serve this huge and diverse country far better. Many New Democrats agree with her. Others do not, sensing that true power – through a win in the 2015 federal election – is now within the party's grasp. "Why go rocking the boat?" say the anti-PR skeptics.

Ms. Nash veers to the left of the NDP spectrum, and enjoys an inordinate degree of support from labour unions – or "big labour" as the Tory spin doctors derisively put it. This makes her unappealing to NDP moderates who are hell-bent on permanently sidelining the Liberal Party by stealing its traditional place on the centre-left of the political continuum.

This leaves the party's third option, and probably its strongest of all: Tom Mulcair. Mr. Mulcair, a disgruntled ex-environment minister in Jean Charest's provincial Liberal cabinet, was recruited by Mr. Layton to run in a 2007 by-election in the Montréal suburb of Outremont, a riding that had never voted NDP in its history. In fact, only one lone NDP MP had ever been elected anywhere in Québec up to that point – and that was 20 years earlier.

Nevertheless, Mr. Mulcair triumphed. Then won again in the 2008 general election. And won again in 2011, this time working with Mr. Layton to ensure an NDP landslide across Québec.

Mr. Mulcair is a proven political street fighter. He is fluently bilingual. He is also a party moderate, a quality that is seen as either pragmatic or a dangerous sell-out of NDP values, depending on which party faction one talks to.

Mr. Mulcair is not without his cautionary drawbacks. He is reputed to have something of a bad temper. The "blood of a fighter" can be a great advantage when duelling with dastardly Tories on the floor of the Commons. It is rather less of an asset when dealing with the fractious, ideologically-divided caucus the next NDP leader will undoubtedly inherit.

Mr. Mulcair's detractors claim he is not a team player. They say he is an autocrat, a dictator, a "my way or the highway" kind of guy.

Such a quality is not without its pluses. Some of our more successful national leaders – Stephen Harper, Jean Chrétien and Pierre Trudeau, even Jack Layton himself – achieved their success by adhering to a policy of ruthless party discipline. Many would say a lack of discipline has prevented the NDP from being more successful to date.

If the party elects Thomas Mulcair as its new leader on Saturday, we will soon see just how well the NDP's unique political culture is capable of meshing with Mr. Mulcair's bold and abrasive political style.

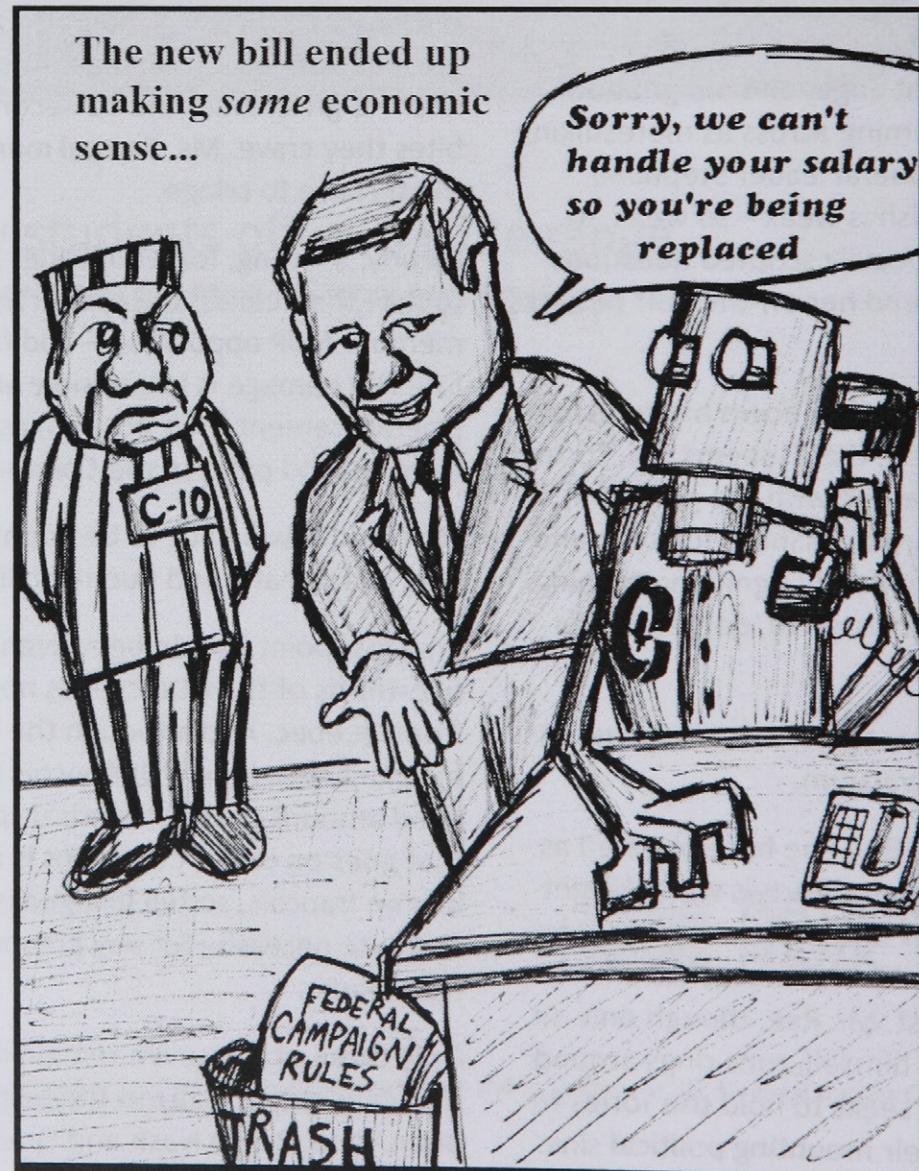
The news media will undoubtedly love it. Bob Rae will hate it, because it will mean he finally has some real competition on the opposition benches. The Tories will hate it because Mr. Mulcair will go out of his way to slice and dice them at every turn – and he will undoubtedly succeed at this, where Ms. Turmel has so badly failed.

The real question is how the NDP caucus will react to Mr. Mulcair's tough political medicine. The 60-odd rookies in the caucus may be easily pushed, even bullied, by their new leader. But the party's three dozen veteran MPs may take a dim view of a leader who dislikes the word "consensus" nearly as much as the word "Conservative."

Law II

ANDREW  
BAKER

## CARTOON



## THE OPTIMIST

DAVID  
GROVES

## MULCAIR: A HUMBLE ENDORSEMENT

This Saturday, the NDP will vote to pick its new leader. I write this with a great deal of frustration, as my membership application disappeared into the bowels of the party machine, never to be seen again. Now, unable to join in time to actually get a voting package and, you know, participate, I have to console myself by writing an endorsement column. So, all you law NDPer (and other interested parties): if I could vote, I would vote for Thomas Mulcair, and I suggest you consider doing the same.

Why? Well, it's not because the guy overwhelmed me with charm and grace. His keynote speech during our 1L orientation this year was not exactly an inspiring revelation. He also wasn't my first choice – I still dream of Prime Minister Romeo Saganash, and I have a soft spot for Nathan Cullen. But what he does have is what the NDP needs to be an effective opposition and, come 2015, an effective government.

More than any leadership race we've seen in some time, this vote will have profound implications for both the party and the Canadian political landscape. The 2011 election swept the NDP into 67 new seats and official opposition status, but as time has passed it's become clear that the party is unsure of how to adjust to its new position. Will it remain a purely progressive party, leaving the centre open for resurgent Liberals? How will it resolve the tension between national and regional demands, especially as Québec makes up so much of its caucus? Can the NDP keep what it now has, or was it merely the beneficiary of anti-Liberal, anti-Bloc sentiment?

There are three scenarios that keep me up at night. The first is that the NDP elects a leader who has strong progressive appeal, but who can't hold on to the centrist votes the party picked up in 2011. In this scenario, the Liberals return to the centre under a narrative of renewal and hard lessons learned, the NDP is pushed out of opposition status, and the Conservatives retain some degree of control. The second is that the NDP elects a leader who can't retain the interest and support of Québec, and la belle province turns back to the Bloc. In the third scenario, someone who can't retain interest or support outside of Québec, and the NDP turns into the Bloc.

The reason these possibilities are all so terrifying is that Canada is heading towards something of an existential crisis. As Derek Zeisman pointed out in these august pages last week ("Post-Industrial Canada: Can the Centre Hold?"), economic trends within the country are going to seriously strain the national fabric in the next decade. We need a strong, federal progressive party to ride out the turbulence, and to provide some kind of unity and harmony to this unruly collection of haves and have-nots. The Conservatives certainly aren't going to be this party; we've already seen from the omnibus crime bill debate that they don't really care what the provinces have to say. As for the Liberals, they're going to have to make a better argument for my support than "because we're the Liberal Party, that's why."

I've always felt that the NDP can be that strong national party, but also that any majority will have to contain a sizable

chunk of the centrist vote. Thus, Mulcair. He is, I admit, not the staunchest progressive in the world. Nor would I put him anywhere near Layton in terms of charisma or general likeability (he's often described as "workmanlike" in the press). But he's highly experienced and he recognises the need of the party to consolidate its gains in Québec and elsewhere. He's an effective politician – he deserves a lot of credit for NDP expansion in Québec – and a scrapper. He speaks often at debates about the need to "reach out beyond the party's base" in order to be a strong opposition. He is also the likeliest candidate to defend NDP seats within Québec while simultaneously retaining pan-Canadian appeal. He will put a serious, credible face on a party that is new to the scene and vulnerable to charges of inexperience. There is some fear that, as leader, he will push the party away from its progressive roots. But he's only one man. He's the face, not the body, and the body remains as vital and progressive as ever: having been to some debates and meet-and-greets, I speak confidently when I say the party is full of strong, passionate voices from the left, and they won't just disappear overnight.

So, Mulcair for leader. Provided the party didn't lose your application, too.

# EDUCATIONAL EQUITY ADVISORY GROUP • LE GROUPE CONSULTATIF SUR L'ÉQUITÉ EN MATIÈRE D'ÉDUCATION

While law school is difficult for most, our diverse identities shape the type of challenges we face and the ways in which we respond to them. At some point, many experience exclusion in their interactions with professors, staff, or student groups. The Educational Equity Advisory Group (EEAG) exists to hear your concerns and develop solutions to the problems of diversity in the law faculty. No issue is insignificant, and we should all work together to foster dialogue and break the taboo in the faculty with regards to talking about difference.

Le groupe consultatif sur l'équité en matière d'éducation est composé de membres de la faculté et des étudiants. Nous visons à favoriser un environnement à la faculté qui est inclusif des diverses identités, expériences et habiletés. Dans le cadre de notre mandat, le Groupe tient à informer les étudiants des processus institutionnels par lesquels ils peuvent exprimer leurs préoccupations sur des questions liées à la diversité de et l'équité dans la Faculté. Nous vous invitons de soumettre tous commentaires, questions, et suggestions. Pour l'année scolaire 2011-12, les membres étudiant-e-s sont **Eden Alexander, Scott Horne, Miatta Gorvie, Celina Kilgallen et Jennifer Langlais** et les membres facultatifs sont la professeure **Kirsten Anker**, doyenne adjointe, intérimaire à l'admission et au recrutement **Nicole Ginsberg**, la professeure **Vrinda Narain**, et doyenne adjointe, études et vie étudiante **Aisha Topsakal**.

This year, we also have a special mandate to consider possible initiatives in response to the McGill-wide Report of the Principal's Task Force on Diversity, Excellence and Community Engagement. There is a special emphasis on promoting aboriginal

traditions in the Faculty of Law's programs and to increase the number of Aboriginal applicants. The Faculty has already undertaken some projects, such as the Aboriginal Field Studies course in the summer, the High School Outreach and joint Law-Medicine-Social Work outreach programs in Kahnawake, and participation in the Aboriginal Law Moot. Still, there is much work to be done, and we would value your suggestions on how best to extend the idea of transsystemia beyond the common and civil law traditions.

Toutes questions et soucis d'équité ou diversité peuvent être dirigés en personne, par courriel ou par téléphone à Me Topsakal, doyenne adjointe (études et vie étudiante):  
New Chancellor Day Hall, salle 417  
Tél: (514)-398-6607  
Courriel: aisha.topsakal@mcgill.ca

Il y aura bientôt une boîte à suggestions sur le site web du SAO où vous pourriez laisser des commentaires, soit anonymement ou avec vos coordonnées ; la doyenne adjointe vous informera dès qu'il est prêt. Finalement, n'hésitez pas d'approcher n'importe quel membre du groupe pour discuter vos concernes.

This year, the EEAG is collaborating with McGill's Social Equity and Diversity in Education Office (SEDE) to begin diversity training for McGill Law support staff and we hope to eventually extend this training to faculty members. If you are interested in being a member of the EEAG during the next academic year and building on this progress, keep an eye out for the LSA's call for applications to committees in the coming months!

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## 2L Co-Presidents

**EMILY  
ELDER  
& JAIME  
TAX**

## A "2L SPECIAL" - TOWN HALL, PIZZA AND DEAN JUTRAS NB: 2L Class members ONLY

You asked your questions, we discussed them with the Dean (Dean Daniel Jutras, aka "DJ"), and he wants to meet with you. You bring your questions, he will bring responses, and we provide the pizza.

Wednesday, March 28, 2012 - 12:30-2:00 - Room 16 (adjoining the Dean's office)

RSVP by email to Emily or Jaimie so we know how much pizza to order

Quick report of what your 2L Co-Presidents have

done this year:

- Welcome Back Beers at Benelux
- Language Conversation Groups at Thomson House
- Legal Methics End-of-Quiz Trivia with Beer and Nachos at Thomson House
- "Fact-DONE" Party at Jello Martini Lounge
- Continual advocacy and representation of class members' interests and concerns, especially:
  - to the CDO
  - to Associate Dean Ellis
  - to Dean Jutras

# LIBRARY NEWS

## Cutter Curiosities Exhibition in the Law Library

As of last week, we have a new book exhibition in the Law Library. This display is themed to the curious, odd, and interesting books found in our Cutter Collection.

About Cutter: Some of you may be aware of the existence of a mysterious collection with a strange name "Cutter" that lives in the basement of the Law Library. Cutter is just a title of the classification system (book call numbers) that was used at McGill Library before 1960s. In 1960s-70s, all major academic libraries in North America converted their collections to a more convenient and expandable Library of Congress classification system. Now, almost all books in the Law Library have LC call numbers, e.g. KEQ 250... This reclassification was a costly and a labour-intensive process, so some parts of the collection were left behind. In the Law Library, the rest of non-reclassified books lived in the basement under the name "Cutter Collection" until last year when a special project was started to integrate them into the main collection. While working on this project, we came across several interesting titles that we are presenting to you in this exhibition.

## The Lexpert® Law Student and Associate Recruitment

Guide <http://www.lexpert.ca/Student/>

The Lexpert® Law Student and Associate Recruitment Guide, published by Thomson Reuters, is an interesting third-party information resource for students, beginning the next stage of their legal careers. This guide provides an opportunity to know the opinions and experiential reviews from associates at law firms. Here, you can find what associates told Lexpert about 186 business-oriented Canadian law firms' hours, quality of work, pro bono, mentoring, culture, and administration. The guide is published with the support of Pro Bono Students Canada (PBS).

## About Quid Novi

Last week, a faculty request made me look through more than 10 years of old Quid Novi searching for an article by an incomplete citation. It may sound boring,

but I do not regret a minute of the time I spent working on this question. A full run of the Quid is a perfect snapshot of the law school student body over the years. One can have a clear vision of students' life, fun, ideological battles, preoccupations, and changes in the ways of thinking and arguing over the years and across the generations. Surprisingly or not, there are themes and subjects that have stayed the same for years and years (e.g. Factum 1st year).

If you have some spare time, do take a look at the old Quids. Apart from being an entertaining read, it may also give you an inspiration for an article or even a paper.

## InterLibrary Loan and Journal Editors

Dear journal editors, could you please come to the Law Library before submitting your ILL request for anything that you need for checking your citations?

Ask your librarian to help you to find materials that you cannot locate yourself, and you will be surprised how few and far between are the ones that McGill does not have electronically or in print. Please do not be afraid to be annoying or to ask too many questions. Remember, the journal editors are one of our favourite kinds of users. Every time, when I see somebody approaching a reference desk with the recognisable spreadsheet, I am glad because this may mean we will have some challenging questions and puzzles to solve or some interesting unknown materials to discover.

*In this column, we would be delighted to answer all your library-services-related questions. Please send your questions to Svetlana Kochkina, Liaison Librarian Nahum Gelber Law Library svetlana.kochkina@mcgill.ca*



# FACULTY OF LAW UNDERGRADUATE SCHOLARSHIPS AND PRIZES

(Discretionary and self identification component)

**Nomination Forms are due at the SAO by April 29, 2012**

(If you are applying for more than one prize or scholarship, please submit one of these forms for each award.)

## ALL STUDENTS ARE ENCOURAGED TO APPLY

Each year the Faculty awards a number of prizes and scholarships for continuing and graduating students. To ensure fairness and transparency, the Prizes and Scholarships Committee has developed an application for awards having a discretionary component or require students to self identify their eligibility. A complete list of these awards is available on the Student Affairs web site: <http://www.mcgill.ca/law-studies/information/prizes/>.

Les étudiants sont encouragés à soumettre leurs candidatures\* ou celle d'un ou plusieurs collègues de classe. Les enseignants seront également encouragés à soumettre des formulaires de candidature pour les étudiants. Veuillez remplir ce formulaire et également déposer une copie de votre CV sur *MyFuture*, l'outil en ligne du CDO, sous Prizes and Scholarships 2011-2012 de la section Jobs. N.B. Les étudiants seront pris en considération pour tous les prix et les bourses d'études auxquels ils sont éligibles et non pas uniquement à ceux à ceux auxquels ils ont postulé ou qui ont été nommés.

\*All students are encouraged to consider making their CVs available on *MyFuture*, the CDO's online system, to which the Prizes and Scholarships Committee would have access if it is considering a candidate who has been nominated by others.

## Graduating students in the B.C.L.,LL.B: self-reporting questionnaire for evaluation of contribution Johnston Medal for Contribution (2011-2012)

Chaque année, la Faculté de droit de McGill décerne la Médaille du principal David L. Johnston à l'étudiant ou l'étudiante qui a complété le programme BCL/LLB avec mention highly distinguished standing tout en ayant contribué de façon exceptionnelle à la vie universitaire, sociale et communautaire de la Faculté.

The terms of application of the Johnston Medal are as follows:

- a."highly distinguished standing" refers to those students who fall within the top 10% of their graduating cohort; and
- b."outstanding contribution" will take into account contributions in the areas of academic, social, and community activities. Activities for which students have already received credits or monetary will be given less weight.

In order to measure "outstanding contribution", the Prizes and Scholarships Committee has developed the self-reporting instrument posted on the SAO web site. Si vous répondez à toutes les exigences et êtes dans les meilleurs 10% de votre promotion, vous êtes invités à soumettre votre candidature. Le Comité n'a qu'un temps très limité pour évaluer les candidatures et décerner les prix, alors nous vous prions de répondre de manière claire et succincte, et de commencer à penser à vos réponses avant le début de la période des examens. You are also encouraged to submit your CV on *MyFuture*, the CDO's online system (search for "Prizes and Scholarships 2011-2012" in the Job section), if you have not already done so.

## Prizes and scholarships for post-graduate studies

B.C.L., LL.B. graduating students (and past graduates) planning to pursue graduate studies are encouraged to apply for a post-graduate scholarships, download the form from Forms and documents for law students (Scholarships).

NOTE: If you are applying for a prize or scholarship based in part on financial need, you will need to register with the Student Aid Office via Minerva first. Students MUST apply for In-Course Financial Aid on the financial aid menu on Minerva AND send an e-mail to [student.aid@mcgill.ca](mailto:student.aid@mcgill.ca) with the Subject: "name of award student is applying for". Notes: Only ONE Minerva financial aid application is required. An interview with a Student Aid Counselor is NOT required.

Any questions regarding Prizes and Scholarships may be sent to [info.law@mcgill.ca](mailto:info.law@mcgill.ca).

# END-OF-YEAR REPORTS

These reports appear in the *Quid* per By-Law 1 of the LSA Constitution.

## VP Internal (Special Events)

**GRAHAM  
SPLAWSKI**

Last March, Michèle and I set our goals for this year, and I think we've mostly achieved them. Our major goals were to host more diverse events, to work with clubs who can help us provide a diversity of events, and to push for higher turnout at LSA

events. The events I worked on this year show that achieving one of these goals often leads to success with the others, but not always.

L'Orientation a démontré qu'il était possible d'accomplir l'ensemble de ces trois buts. Le nombre d'inscriptions était incroyable avec 95% des 1Ls inscrits. Cela correspond à une hausse de 17% sur l'année passée. On a collaboré avec beaucoup des clubs, notamment Juripop, MIFA, Community Law et l'équipe des Jeux'Ridiques. Le comité a travaillé très fort : Félicitations à Ari-anne Bouchard, Ève Gervais-Quenneville, Paul Girard, Damian Marczuk, Georgia Papadolias, Marie-Andrée Plante et Marie-Laure Tapp. Enfin, on a dépassé le budget de seulement 3\$, équivalent à 0,01%. Sous tous ces aspects, l'Orientation était un grand succès d'organisation et de participation.

The rest of the fall semester saw clubs take the lead in many events, notably the Law Games team hosting the Med/Law Halloween Party, Law School of Rock, and all the successful speakers, Coffeehouses, and cocktails. Michele and I focused our efforts on Malpractice Cup, which was an unfortunate loss to Medicine, and the fill-the-stadium Redmen football game, which

*Note: this report is published during the campaign period with the permission of the CRO.*

also ended in a McGill loss. Turnout for all the events was exceptional, and we dominated trivia and tug-of-war at the Malpractice Cup.

La fête de bienvenue a profité d'un niveau élevé de coopération entre l'AÉD et les clubs, en particulier MIFA, ALA, MUN et l'équipe des Jeux'Ridiques. Or, il y avait une tempête de neige. Donc, malgré la coopération des clubs et un lieu très chic, il n'y a pas eu beaucoup de gens à cette soirée. Dans le futur, je recommande de ne pas organiser cet évènement dans la première semaine de la session. Le soir de la remise des notes semblent être la meilleure option. Aussi, un grand merci à Andrew Baker et Paul Girard pour leur aide à la fin de la soirée.

Quand vous allez lire ce rapport, le Coffeehouse de la St. Patrick sera le souvenir d'une gueule de bois, mais je peux déjà prédire qu'il sera un succès énorme. Et le dernier party de l'AÉD de la session sera le vendredi 27 avril. Plus de détails à suivre...

Overall, as VP Internal (Special Events), I can report a successful year. Orientation stands out as the highlight for me, where Michele and I were able to achieve our goals of diverse events, club involvement, and higher attendance. Clubs added to our event calendar to give it more diversity. While not every event was as successful as Orientation, feedback was positive. I learned more about how the Faculty works as a community, and as a bureaucracy. Ultimately, I think this year's LSA succeeded at facilitating a stronger and more open community.

## VP Internal (Ongoing Events)

**MICHELE  
LAMARRE-  
LEROUX**

Cette année, mon mandat a été assez varié. De l'organisation des événements sportifs et culturels à l'obtention des documents nécessaires au bon déroulement des événements, en passant par les tâches hebdomadaires

du Coffeehouse.

L'Orientation a déjà été couverte par Graham et le Quid au mois de septembre. Puis Malpractice Cup a eu lieu. Dans son ensemble, l'événement fut un succès. Nous avons eu un nombre d'inscription légèrement inférieur à l'année précédente, baisse qui

peut être expliquée par la température maussade, froide et mouillée qui nous attendait. Toutefois, ceux qui ont eu le courage de se présenter se sont bien amusés. Tout s'est déroulé comme prévu, à l'exception que nous avons dû céder la coupe à l'équipe de médecine.

Les mois d'octobre et de novembre ont été consacrés à l'organisation des événements du semestre d'hiver ainsi qu'à une communication plus active avec les responsables de la cafétéria de la faculté. Je suis plutôt fière du travail accompli avec Aramark. Les représentants ont sérieusement pris le temps d'écouter et de prendre en considération vos commentaires et suggestions. Je

vous recommande grandement de (re)lire mes nombreuses publications dans le Quid à ce sujet, faites au cours de l'année. Le point le plus important à retenir est qu'il y a maintenant beaucoup plus de collaboration et de coopération entre le LSA et Aramark. J'espère grandement que cette relation d'ouverture sera conservée l'année prochaine.

La session d'hiver a été marquée par trois événements importants : le voyage de ski, la Francofête et la cabane à sucre. Le voyage de ski qui a eu lieu les 21-22 janvier fut un réel succès. Je m'attendais honnêtement à n'avoir que 15-20 personnes. J'ai été agréablement surprise de me retrouver avec 47 autres joyeux lurons dans l'autobus à 6h30 am samedi matin! Tout s'est déroulé comme prévu. À refaire absolument! Je pense qu'un élément clé qui a permis d'avoir plus de personnes a été la grande variété d'activités offerte (5 au total) pour les gens plus relax ou plus sportifs.

Ensuite, la Francofête : les événements qui avaient lieu à la faculté étaient la projection du film La Grande Séduction le 7 février et le cours de danse traditionnelle sur l'heure du dîner dans l'atrium le 13 février. D'un succès mitigé, je pense tout de même que les événements étaient intéressants et variés. La raison pour la faible présence des étudiants m'échappe encore. Je blâme la course au stage. Je pense qu'il y a simplement un manque d'intérêt pour ce genre d'événement de la part des étudiants.

Enfin, la cabane à sucre, ayant eu lieu le mercredi 29 février. Il est malheureusement resté environ 100 bâtons de tire d'éribe à la fin de l'évènement. Cette fois-ci, je pense simplement que le timing n'était pas le meilleur. Il y avait 4 autres événements simultanément. Enfin, peu de gens savaient que c'était gratuit, payé par le LSA. La pancarte n'a pas suffi. Ceux qui étaient présents l'ont vraiment apprécié toutefois! Je pense que c'est à refaire, avec une meilleure date et plus de publicité!

À travers tout cela, j'ai couru six fois pour obtenir un permis d'alcool pour les divers événements de clubs et du LSA. C'était la première fois que le LSA prenait la responsabilité de faire les demandes de permis d'alcool non seulement pour le LSA, mais aussi pour les clubs. Je pense que cela facilite et accélère beaucoup le processus. Cela permet aussi une centralisation des communications pour les administrateurs qui aiment bien n'avoir qu'une seule personne à contacter en cas de problème. Toutefois, ce fut littéralement une course toute l'année et il est impératif de pren-

dre le temps de discuter avec les clubs afin d'établir un système plus efficace.

Overall, I am proud of the work I have done for you during the year. I think it was a successful year. The main points to improve on are better publicity, better communication with clubs, and events that are more targeted to the student body's interests. Maybe a survey at the beginning of the year would help have a good idea of the events that would have good attendance. If you have any questions, comments, or are just curious, Graham and I produced a report for the majority of those events. Don't hesitate to ask us if you want to see it!

Thank you for this great year! I enjoyed seeing you around the faculty at those events. I am sure that next year's Vp-internals will do a great job in getting you out of your books!

## FREE CANDY!



**Coffee House**

**Thursday, March 22, 2012  
4:30 PM in the Atrium**

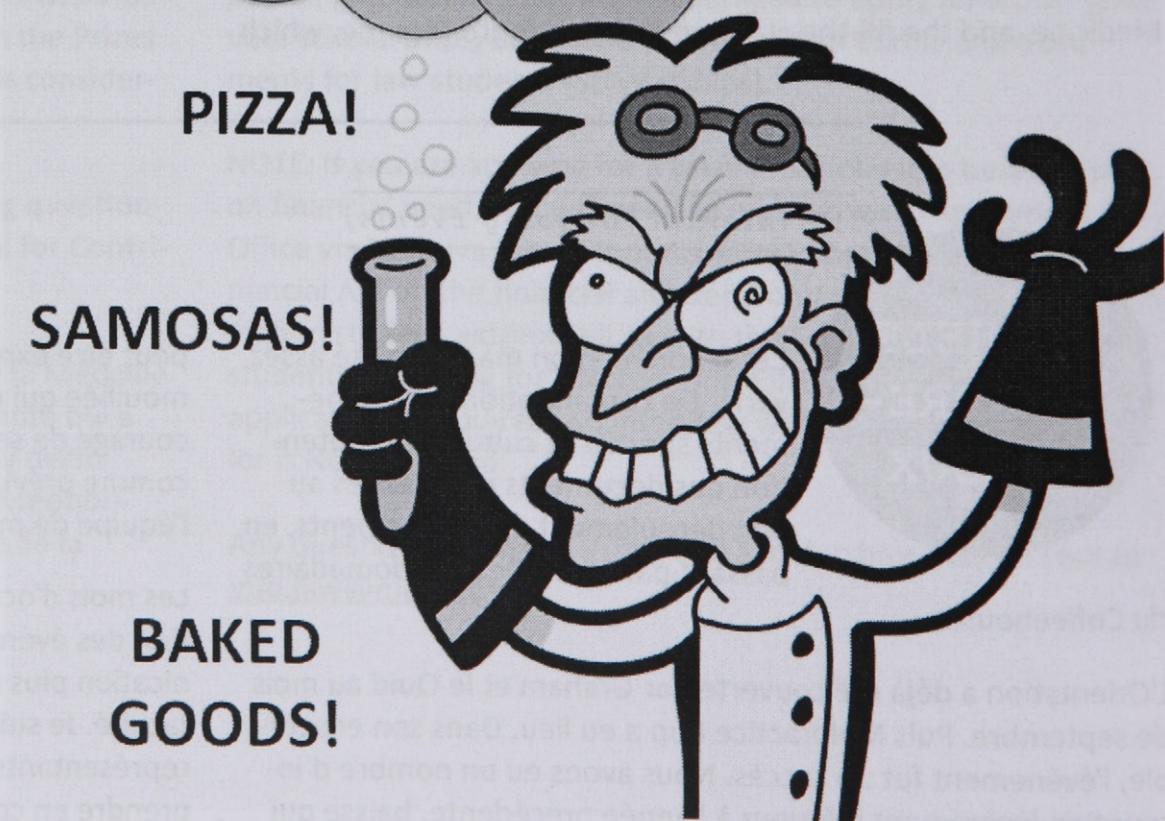
**TEST TUBE  
SHOTS!**

**DRINKS!**

**PIZZA!**

**SAMOSAS!**

**BAKED  
GOODS!**



**KE-JIA  
CHONG**

# WRONGFUL CONVICTIONS: THE PATH TO PROVING INNOCENCE

Innocence McGill hosted a conference called "Wrongful Convictions: The Path to Proving Innocence" on the evening of Tuesday March 13 2012 in the Moot Court, Faculty of Law at McGill University.

With the Hon. Patrick Healy moderating, Me Kerry Scullion, director and general counsel of the Criminal Conviction Review Group of the Department of Justice, and Me Robert Israel, defence attorney at Shadley Battista LLP, led participants through a broad overview about wrongful convictions.

Me Scullion explained the process of the s.696 application that is used by Ottawa to examine wrongful conviction applications. He discussed this as being a process where the applicant needs to present new and significant evidence to allow him and his team to investigate. He also stressed that, contrary to popular belief, the s.696 application is not an appeal process. While his group prepares the report, the application's final decision is based on the discretion of the Minister of Justice. Based on his experience, his point of view was that the Review Group is apolitical. Should an application be rejected, the applicant receives reasons. If the application is accepted, it would be sent to an appellate court or back to trial.

Me Israel, founder of Innocence McGill in 2006, discussed the human aspect of wrongful convictions. There is not only the turmoil of the person sitting in jail and of the individual's loved ones. When a wrongful conviction occurs, the family of the victim loses the closure that they once had. He also gave insight to the point of view of the wrongfully convicted: after being pursued by the police, attacked by the trial prosecutor, rejected by the trial judge (and/or jury), rejected at appeal and the Supreme Court—it is understandable why a truly wrongfully convicted person



would distrust having his fate determined by yet another state body.

The difficulty of those wrongfully convicted to put together new and significant evidence for the s.696 process cannot be overlooked, Me Israel adds. Innocence projects run by students across Canada work on these cases not because there are hundreds of wrongfully convicted in jails, but because there is the possibility of the one individual who has lost his liberty

and fallen through the cracks of what is generally a robust legal system.

More importantly, Me Israel stressed the duty of all people working in criminal law – defence lawyers, prosecutors, judges, the police – to be aware of the pitfalls of tunnel vision, eyewitness testimony, improper forensics, among others – that lead to the tragedy of wrongful convictions.

The event was well attended, with many pertinent questions brought up by the audience. Innocence McGill hopes to continue these events in the future, to provide students with more exposure to issues of criminal law.



## OVERHEARD AT THE FAC

4L: Not only am I going to class on the 22nd, I'm going to participate - I'll even read for a change.

3L: I want to bring you into the stairwell, and make you an omelet...balls!

?L: You know what sucks about law school?

?L: Blah blah blah normativity blah blah.

1L at the admitted students' lunch, on learning common and civil law at the same time: It's like hitting yourself in the head with a hammer, but it's good for you.

Judge [redacted] (post-2L moot): Just because you graduate from McGill Law doesn't mean you will succeed at life.

In class in the moot court:

Prof. Jukier: Are these flags at the front of the room bothering anyone?

1L: Just the Quebec one!

[It was because the Quebec one obscured the PowerPoint... -Ed.]

Prof. Piper: The lesson plans were about as subtle as a bullet to the head: "Grades 1 to 3 - Imagine a world without copyright!"

Prof. [redacted]: So we've developed a bunch of tax rules that some might see as strange, extreme, on the fringe. This is kind of like Guantanamo Bay for taxpayers.

Prof. Piper: The law seems to have settled into a happy groove.

2L: Je pense pas que la dame qui revenait de Las Vegas est moralement blanchie...

Me Nadon: Elle était allée voir Céline.

Guest speaker: Who watched the Bas-tarache Commission every day? No one? Good, you have a life.

Prof. Bachand: Le show de Guns and Roses et Metallica au Stade olympique. Vous imaginez le groupe: des jeunes fous aux cheveux longs.

Prof. Bachand: Le Texas: là où les dérives sont les plus impressionnantes.

Prof. Piper: Does A have a contingent fee simple or a vest fee simple subject to divestment? A vested fee simple subject to divestment sounds pretty contingent, doesn't it?

**quid.overheard@gmail.com**

A DROIT MCGILL LAW PRODUCTION

# Skit Nite

presented by our official partner:

*Blakes*

20 mars 2012

doors open at 6:30pm

show starts at 7:30pm

\$15 pré-vente / \$20 à la porte

[law.got.talent@gmail.com](mailto:law.got.talent@gmail.com)

Club  
Soda

1225 St Laurent

# **VOTE!**

**\* 21 mars au 23 mars \***

# **VOTEZ!**